(90)

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, C.J.

WRIT PETITION NO.4584 OF 2005

PETITIONERS DEFENDANTS

1. Milind Gupta, S/o Dr. Vijay Singh Gupta, aged about 28 years,
2. Skand Gupta, S/o Dr. Vijay Singh Gupta, aged about 26 years,
3. Dr. Vijay Singh Gupta, S/o Late Bahadur Singh Gupta, aged 64 years,

Petitioners No. 1 to 3 are Residents of Katcheri Road Road, Appa Para, Tahsil & Dist. Durg (Chhattisgarh)

versus

RESPONDENTS PLAINTIFFS

1. Ajit Singh Gupta, S/o Late Bahadur Singh Gupta, aged about 70 years, Resident of Katcheri Road, Appa para, Durg, Tahsil & Dist. Durg (Chhattisgarh)
2. Ajay Singh Gupta, S/o Late Bahadur Singh Gupta, aged about 62 years, Resident of Near Labour Court, 179 Utai Road, Irani Dera, Durg, Tahsil and District Durg (Chhattisgarh)

Present : Mr. Manindra Shrivastava, learned Sr. Advocate with Mr. Amrito Das, learned counsel for the petitioners.

ORAL ORDER
(Passed on 27th February, 2006)

The only grievance of the petitioners which I could gather from the submitting of Shri Manindra Shrivastava, Senior Advocate is that the learned Judge while disposing of the application has made an unwarranted observation that the issues which were sought to be tried as preliminary issues by the petitioners have already been decided while considering the application of the plaintiff for grant of temporary injunction. I think that the learned Judge is not justified in making that observation. In that view of the matter, I dispose of the writ petition setting aside the above observation of the

learned trial Judge. In all other respects, the impugned order of the learned Judge shall stand unaltered. No costs.

Sd/-
Chief Justice

Brajesh